vi—re: the action of certain Government officials convassing for the increased consumption of power and light.

Mr. President.—There are certain other motions also. Mr. Ikkanda Warriar has given notice of the following motion:- "I have the honour to request you to grant me leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public important, to wit, the conduct of some highly placed Government servants in using their official influence and power on the citizens of Trichur in order to increase the consumption of power and light supplied by the Cochin State Power and Light Corporation Ltd".

Mr. T. S. Narayana Ayyar *(Secretary to Government).*—This is a matter on which Government have no information. They have not instructed their servants to do anything like that.

Mr. E. Ikkanda Warriar *(Urakam).*—If the Government are not aware of it, I am now bringing it to the notice of Government that such things are taking place.

Mr. President.—Even assuming that any Government officer is doing this, he must be doing that in his individual capacity and Government are not concerned with it. The only point is whether Government have given instructions to their servants to do things like that. And the Secretary to Government says that they have not done it.

Mr. E. Ikkanda Warriar *(Urakam).*—Sir, I tried to elicit some information regarding this by means of questions. But those were disallowed for various reasons. I want to bring to the notice of the Government by this motion the effect that has been produced by the action of these officers in the minds of the public. The Standing Orders and the Rules say that we can discuss only matters on which Government have information. But Government can take their own time. There is no law that compels the President to have the motion discussed today itself. It can be had on any day convenient to the Government, in which case it would be possible for the Government to collect the necessary information for conducting the discussions. I therefore submit that it does not contravene any of the rules laid down by the Council Regulation.

Mr. President.—It is not a matter of convenience of Government. This House can discuss the conduct of Government servants only in their capacity as Government servants.

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This House cannot discuss their private doings outside their official capacity. This House cannot be used for making defamatory allegations against the private character of Government servants. It is derogatory to the dignity of the House to allow such a discussion. Government have frankly made their position clear. They have issued no instructions. They have no information that Government servants are doing anything in this matter and therefore the only conclusion to be arrived at, assuming this allegation to be true, is that certain Government servants have done something in their individual capacity which a particular Hon'ble Member of this House considers to be wrong. That is certainly not a matter to be discussed in this Council.

With regard to a matter affecting the conduct of Government servants there is a certain limitation imposed by the Rules and Regulations. With regard to the rules relating to the asking of questions Hon'ble Members will observe that there is one proviso which says that if the questions contain any allegation, the Hon'ble Member making that allegation makes himself responsible for the fact of that allegation. The meaning of that is the forum of this House should not be used as a forum for the discussion of the conduct of a Government servant. If the Hon'ble Member has got any accusation to make against the conduct of a Government servant he is to report it to Government and if Government are satisfied that the Government servant has violated any of the Government servants' conduct rules they will take adequate disciplinary action against him. But apart from that a discussion in this Council as to what a Government servant is supposed to be doing in his private capacity is certainly not contemplated. Assuming for instance an Hon'ble Member brings forward a motion that a particular Government servant used abusive language against him, this House cannot take notice of it.

Mr. E. Ikkanda Warriar (*Urakam*).— Suppose the statment I make is correct that a particular officer has abused his powers, is it not the duty of Government to enquire into that? Is it not the right of the Council to consider the question? Suppose a Government servant stole my fountain pen and he is in the habit of doing it.

Mr. President.— I think the Hon'ble Member has come to my rescue. If, for instance, an Hon'ble Member brought an adjourment motion on the ground that a particular Government servant stole his fountain pen it is certainly a matter which cannot be discussed in this Council.

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Dr. A. R. Menon *(Pallippuram).*—The difficulty is how to know whether he is doing things in his individual capacity or in his capacity as a Government servant. Suppose the Commissioner of Police or the Chief Medical Officer is doing a certain thing. How to find out whether it is being done in the capacity of Dr. Rao or in the capacity of the Chief Medical Officer?

Mr. President.— There is absolutely no difficulty. So far as the action of Government servants are concerned if it is alleged that they are acting in their official capacity there is the statement of the Government. If Government categorically deny that they have issued any such instructions there is an end of the matter. And if it is in their private capacity that Government servants are doing a thing which is against the Government Servants' conduct rules, then, it is for Government to take such disciplinary action as they think fit.

Mr. E. Ikkanda Warriar *(Urakam).*—This motion is to bring to the notice of the Government that such things are taking place.

Mr. President.—Not in the Legislative Council. You must give an opportunity to vindicate his character. You cannot take shelter under the privileges of this House. If a person takes it as a luxury to defame Government servants, he must do it outside the House and take the consequences. I can go further and say that if it isbrought to the notice of Government that any Government servants are using undue influence, Government will certainly take disciplinary action against such servants.

Motion was ruled out of order.

vii—re: the Action of Sir Shanmukham Chetty making a public speech and thus violating prohibition orders.

Mr. President. —The next motion is also in the name of Mr. Warriar. "I have the honour to request you to grant me leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, to wit, the action of the Diwan of Cochin in participating and making a speech on the occasion of a meeting held at the instance of the Cochin State Power and Light Corporation on the 26th Makarm 1112 to open the Shanmukham Power House in Trichur, a meeting which has come under the prohibition contained in the Cochin Government Gazette Notification No. 35, Law and Justice Department dated 17—5—1112, prohibiting public meetings, speeches and processions in and around Trichur within a radius

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